

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Tomas David Hale,)	Case No. 4:13-cr-066-16
)	
Defendant.)	

Defendant is in federal custody at the Hearth of America Correctional and Treatment Center (“HACTC”) in Rugby, North Dakota, awaiting sentencing, which is presently scheduled for February 27, 2015. On December 22, 2014, defendant filed a “Motion for Release into Inpatient Treatment,” advising: (1) he had been accepted into an inpatient chemical dependency treatment program at the Parshall Resource Center in Parshall, North Dakota; (2) his treatment is scheduled to begin on December 23, 2014; and (3) his parents can transport him from HACTC to the Parshall Resource Center.

There being no objection from the Government, the court **GRANTS** defendant’s motion (Docket No. 743) and **ORDERS** that defendant shall be released subject to the following conditions:

- (1) Defendant shall be released to the custody of his parents no earlier than 9:00 a.m. on Tuesday, December 23, 2014, for transport from HACTC to the Parshall Resource Center;
- (2) Defendant shall reside at the Parshall Resource Center, comply with its rules and regulations, and fully participate in its treatment program;
- (3) Defendant shall report the Pretrial Services Office as directed and signed releases as

necessary so that the Pretrial Services Office can monitor his progress in the treatment program.

- (4) Defendant shall refrain from: any use of alcohol; any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner; and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection process or specimen may be considered the same as a positive test result.
- (5) Defendant shall not possess a firearm, destructive device, or other dangerous weapon.
- (6) Defendant shall submit his person, residence, vehicle, and/or possessions to a search conducted by a Pretrial Services Officer at the request of the Pretrial Services Officer. Failure to submit to a search may be grounds for revocation of pretrial release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition.
- (7) Upon successful completion of the residential portion of the treatment program, defendant shall immediately report to the Pretrial Services Office in Minot before any change of address is made so that it may evaluate the appropriateness of his proposed living arrangement.
- (8) If after completion of the inpatient treatment program, the supervising Pretrial Services Officer determines defendant is in need of placement in a residential

facility, defendant shall voluntarily report the designated facility as directed, comply with the facility's rules and regulations, participate in all recommended programming, and not leave the facility without prior permission of the supervising Pretrial Services Officer.

- (9) Defendant must not violate federal, state, tribal, or local law while on release.
- (10) Defendant must appear in court as required and surrender to serve any sentence imposed.

IT IS SO ORDERED.

Dated this 22nd day of December, 2014.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court